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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,406	09/29/2000	Benoit Vialle	24530.00600	9675
49637 7590 01/03/2007 BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			EXAMINER BAUTISTA, XIOMARA L	
			ART UNIT 2179	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/675,406

Applicant(s)

VIALLE ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-20, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 6-20 and 22-25 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 6-20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *De Boor et al* (US 6,173,316 B1; DeBoor hereinafter), *Nokia* (Nokia 6160 Owner's Manual, published September 1998), *Silberfenig et al* (US 2001/0041590) and *Hawkins et al* (US 6,516,202 B1).**

#### Claims 1, 10 and 17:

DeBoor discloses a wireless communication device (palmtop computer, personal information manager, cellular telephone) having a user interface that allows a user to access both the Internet and telecommunication functions (abstract; col. 1, lines 13-31; col. 5, lines 15-29; col. 6, lines 60-67; col. 9, lines 16-30). The

interface enables the user to initiate a phone call (col. 8, lines 25-62; col. 9, lines 7-15; col. 10, lines 12-33; col. 11, lines 14-19; col. 12, lines 8-11; col. 13, lines 10-33; col. 35, lines 32-36, 48-58). The computing device has phone functions integrated within the computing device's hardware (fig. 1; col. 8, lines 23-33).

DeBoor does not teach that a phone call is placed to a last called phone number if digits are not received from the interface just before a dial signal is received in response to the user selecting a call initiation button. However, Nokia discloses a cellular telephone that automatically stores the numbers the user has dialed (p. 33-34, see: Dialed calls) and enables users to initiate a phone call by pressing an initiation button (Talk button). The phone call is placed to a last dialed (called) number (p. 41, see: Last number redial). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify DeBoor's mobile computer to include a redial or call-previously-entered-phone-number features because it saves the user precious time (especially when the phone number that is being called is busy for a long time or when several continuous calls to the same number are necessary) by enabling the caller to just press the Talk button over and over again until the call gets through.

DeBoor/Nokia does not teach deactivating a microphone by selecting a mute button during a phone call and replacing the mute button (activating a speak button) with a speak button by selecting the mute button during the phone call.

However, Silberfenig discloses a cellular telephone having a mute button for deactivating a microphone and replacing the mute button with a speaker when releasing the mute button to reestablish the microphone (page 3, pgs. 0028-0029, 0032; page 4, pgs. 0036, 0038). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify DeBoor/Nokia phone interface to include a mute button because the local user is allowed to participate in a private conversation or local conference during the telephone call without being heard by the remote user.

DeBoor/Nokia/Silberfenig does not teach suspending non-phone functions in response to user selection of a call initiation button. However, Hawkins discloses a mobile computer having an organizer and a cellular telephone. Hawkins explains that the computer has a micro-controller that sends an interrupt signal to the organizer when a telephone call is received (col. 4, lines 28-36). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify DeBoor/Nokia/Silberfenig's communication device to include Hawkins' teaching of suspending other functions or applications when receiving a telephone call because the user won't have to worry about missing an important call while using other functions of the computer.

Claims 2, 3, 18 and 19:

See claim 1. Nokia's Talk button is a hard button (see cited paper

illustrating the Nokia 6160).

Claims 4, 13, and 20:

DeBoor teaches that the user does not need to switch between different applications; the device uses markup language, which allows a current application to be paused or suspended when the application is other than the call device (col. 2, lines 23-47; col. 4, lines 61-67; col. 5, lines 1-29; col. 8, lines 38-42; col. 41, lines 51-56; col. 55, lines 17-42).

Claims 6 and 22:

DeBoor teaches searching the memory of the organizer for a name associated with a phone number (col. 5, lines 20-29).

Claims 7 and 23:

DeBoor teaches timer functions (col. 8, lines 37-38) and Nokia teaches call timers configured to clock the duration of a connection with other phone device (page 29).

Claims 8 and 24:

DeBoor teaches receiving a save signal to save a phone number and initiating an address entry application in response to receiving the save signal (col. 35, lines 48-58).

Claims 9 and 25:

DeBoor teaches a screen that provides the options of hanging up (ending

connection), (col. 38, lines 41-43, 63-65).

Claim 11:

DeBoor teaches that phone calls are placed and received (send, answer, ignore calls) according to the user selections (col. 9, lines 7-14; col. 19, line 3; col. 21, lines 11-23).

Claims 12, 14, and 15:

Silberfenig teaches the communication device has a display screen and email functions that enable a user to enter data by using a keyboard or a touch-sensitive screen, the screen having software-generated keys that can be selected using a stylus; the device being capable of identifying tap input from a user (p. 5, par. 0043).

Claim 16:

See claim 12. Silberfenig teaches a microphone connected to the communication device, which is configured to receive audio input from a user. The microphone may be deactivated when the user uses the mute button (p. 4, par. 0036, 0038, 0040).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Tuesday-Friday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'X. L. Bautista', is written over a horizontal line.

X. L. Bautista  
Primary Examiner  
Art Unit 2179

xlb  
December 26, 2006